



MEMORANDUM

Date: December 8, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Additional Information for the December 6, 2022 Board of Supervisors Meeting -
Procurement Award – Consent Item Nos. 13 and 16**

The purpose of this memorandum is to provide clarity specific to the procurement process concerns raised at the December 6, 2022 Board meeting regarding Consent Item No. 13 – Shamrock Foods Company and U.S. Foods Inc., and Consent Item No 16. – Axon Enterprises, Inc.

Per Pima County Procurement Code [11.08.010 – Authority of the Procurement Director](#), “the Procurement Director may award and execute contracts in an amount up to \$250,000 per year for a maximum term of 5 years from the effective date of the contract, with the exception of settlement agreements related to lawful claims arising from litigation involving the county and certain software contracts as further defined in policy.” Contracts signed by the Procurement Director (PD) are reported through a quarterly contracts report by the Procurement Director submitted by the County Administrator to the Board of Supervisors.

Additionally, per [Board of Supervisors Policy D29.4 \(XII\)\(C\)](#), the Procurement Director can award or approve and execute contracts as follows:

- Contracts for professional services procured pursuant to Board of Supervisors Policy D 29.6 equal to or less than \$100,000 for the expected life of the contract.
- Contracts involving revenues or expenditures equal to or less than \$250,000, or for annual as-required contracts equal to or less than \$250,000 per year.
- Contracts with a term equal to or less than five years, including all renewals, with the exception of Software License and Software Maintenance and Support Agreements as stated below.
- Software Agreements and Software Maintenance and Support Agreements, including renewal periods, that exceed five years, provided the agreement does not obligate the County to an expenditure of more than \$250,000 annually.

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The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Additional Information for the December 6, 2022 Board of Supervisors Meeting -
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December 8, 2022
Page 2

If a contract approved by the Procurement Director exceeds award authority, the contract is required to be approved by the Board.

The following recap clarifies the aforementioned code and policy as applied to Consent Items Nos. 13 and 16:

Item No. 13 – Food Products MA-PO-19-128 Amendment No. 5

The Board awarded this contract for an initial term of one (1) year and a shared annual award amount of \$2,200,000.00 with four (4) one-year renewal options. The total amount of the award required approval by the Board.

The Procurement Director awarded amendments 1-4 as they were within PD's award authority. For example, Amendment No. 3 extended the termination date and added the shared annual award amount originally approved by the Board.

Amendment No. 5 was returned to Board for approval as it increases the shared annual award amount originally awarded by the Board. By Policy, any increases above what was initially approved and award requires Board approval.

Item No. 16 - Video/Audio Storage MA-PO-17-183 Amendment No. 5

The Procurement Director awarded this contract term of five (5) years in the award amount of \$11,250.00 and Amendments 1-4 as they were within the PD's award authority.

Amendment No. 5 was returned to Board for approval as it modified the scope of services and increased the contract amount beyond the PD's award authority.

JKL/dym

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Terri Spencer, Director, Procurement Department